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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION

**SUSAN OTTELE and WILLIAM  
COLLIER, JR., on their own behalf and on  
the behalf of the Estate of Adam J. Collier,  
decendent,**

Plaintiff,

v.

**OSCAR MARTINEZ and AARON  
HODGES and DOES 1-10, inclusive,**

Defendants.

1:22-cv-00187-JLT-CDB

**DEFENDANTS' LIMITED OBJECTION  
TO MAGISTRATE JUDGE'S FINDINGS  
AND RECOMMENDATIONS**

The Magistrate Judge's Findings and Recommendations on Defendants' motion for summary judgment are to grant the motion and for the clerk to close the case. Defendants concur with this determination. However, the Findings and Recommendations further indicate that a failure to file a timely objection may result in a waiver of a party's rights on appeal. (ECF No. 72 at 18.) Therefore, in order to avoid a waiver on the matter, Defendants' one limited objection to the Findings and Recommendations is that they do not address the issue of qualified immunity, which was a requested basis for summary judgment. Other than to avoid a waiver on appeal, this

objection is effectively moot should the Court adopt the Findings and Recommendations in full, which Defendants urge the Court to do. However, if for any reason the Court does not grant summary judgment based on the Findings and Recommendations, then Defendants request the Court grant summary judgment in favor of Defendants based on their entitlement to qualified immunity as presented in the summary judgment motion.

Dated: March 1, 2024

Respectfully submitted,

ROB BONTA  
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R. LAWRENCE BRAGG  
Supervising Deputy Attorney General

/s/ James Mathison  
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## CERTIFICATE OF SERVICE

Case Name: **Susan Ottele, et al v. Martinez,** No. **1:22-cv-00187-JLT-CDB**  
et al.

I hereby certify that on March 1, 2024, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

### **DEFENDANTS' LIMITED OBJECTION TO MAGISTRATE JUDGE'S FINDINGS AND RECOMMENDATIONS**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on March 1, 2024, at Sacramento, California.

**J. Lemus-Arreola**

Declarant

**/s/ J. Lemus-Arreola**

Signature